



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Saturday, 15th May, 1948

OFFICIAL REPORT

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THE CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

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Assembly of Pakistani Debates)

Volume III—1948

CONSTITUENT ASSEMBLY OF PAKISTAN

Saturday, the 15th May 1948

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Eleven of the Clock, Mr. Chairman (Mr. Tamizuddin Khan), in the Chair.

PRESENTATION OF CREDENTIALS AND SIGNING OF THE REGISTER

Mr. Serajul Islam (East Bengal : Muslim) : We were under the impression that Quaid-i-Azam will come and preside over today's Session.

The Honourable Khwaja Shahabuddin (East Bengal : Muslim) : Does it arise at all?

Mr. Chairman : Order. Order. Honourable Members who have not already presented their credentials and signed the roll of Members may now do so.

The following Members signed the roll.

Mr. Serajul Islam.

Khan Abdul Ghaffar Khan.

Sardar Asadullah Jan Khan.

MEMBERS SWORN

Mr. Chairman : Honourable Members will now make the oath or affirmation of their allegiance to the Federation of Pakistan as prescribed under Rule 5 of the Constituent Assembly Rules.

[After Mr. Chairman (Mr. Tamizuddin Khan) took the oath, the following Members also made the oath or affirmation of their allegiance to the Federation of Pakistan :—

The Honourable Mr. Liaquat Ali Khan.

The Honourable Khwaja Nazimuddin.

Maulana Shabbir Ahmad Osmani. (In Urdu).

Mr. H. S. Suhrawardy.

The Honourable Mr. Fazlur Rahman.

The Honourable Mr. Abdul Hamid.

Mr. Sris Chandra Chattopadhyaya.

Mr. Prem Hari Barma.

Prof. Raj Kumar Chakraverty.

Maulana Mohd. Abdullah-al Baqui. (In Urdu).

The Honourable Khwaja Shahabuddin.

Mr. Abul Masud Abdul Hamid.

Dr. Mahmud Hussain.
 Begum Shaista Suhrawardy Ikramullah.
 Dr. A. M. Malik.
 Mr. Dhirendra Nath Datta.
 Mr. Bhupendra Kumar Dutta.
 Mr. Jnanendra Chandra Majumdar.
 Mr. Murtaza Raza Choudhury.
 Mr. Nur Ahmed.
 Mr. Abul Kasem Khan.
 Mr. Abdulla-al Mahmood.
 Mr. Dhananjoy Roy.
 Mr. Harendra Kumar Sur.
 Mr. Serajul Islam.
 Mr. Abdul Matin Chaudhary.
 Mr. Akshay Kumar Das.
 The Honourable Sardar Abdur Rab Nishtar. (In Urdu)
 The Honourable Mr. Ghazanfar Ali Khan.
 Dr. Omar Hayat Malik.
 Mr. Nazir Ahmad Khan. (In Urdu)
 Khan Sardar Bahadur Khan.
 Sardar Asadullah Jan Khan. (In Urdu)
 Khan Abdul Ghaffar Khan. (In Urdu)
 Mr. M. A. Khuhro.
 The Honourable Pirzada Abdus Sattar Abdur Rahman.
 Alhajj Mohammed Hashim Gazder.
 Sardar Bahadur Nawab Mohammad Khan Jogezi.

Mr. Chairman: I take it that every Member present has made the declaration. I will now make an announcement.

PROCEDURE *RE* : DIVISIONS IN THE CONSTITUENT ASSEMBLY OF PAKISTAN

Mr. Chairman: I have to make an announcement.

Under sub-rule (4) of rule 30 of the Constituent Assembly Rules, I have to inform Honourable Members that for the purpose of taking divisions in the House the same procedure will be followed as has been laid down in Constituent Assembly of Pakistan Circular No. XVII, dated the 22nd February, 1948

AMENDMENTS TO THE RULES OF PROCEDURE OF THE CONSTITUENT ASSEMBLY OF PAKISTAN.

The Honourable Sardar Abdur Rab Nishtar (West Punjab : Muslim) :
Sir, I beg to move :

"That for sub-rule (5) of rule 6 of the Constituent Assembly Rules, the following be substituted, namely:—

- (i) No person shall be eligible for election to, or continue to remain a Member of the Constituent Assembly of Pakistan unless—
- (a) he has been a permanent resident of Pakistan, or
 - (b) he has been ordinarily residing in Pakistan for not less than 6 months since August 15, 1947.

- (i) Before declaring the seat of a Member vacant on the ground of his being ineligible under this sub-rule, the President shall call upon the Member concerned to show cause within a fixed period as to why his seat should not be declared vacant.
- (ii) The decision of the President in this respect shall be final and shall not be challenged in any court of law or before any authority."

Sir, as you know, there are several vacancies in the Constituent Assembly that need to be filled and in connection with them a question arose as to who is qualified to stand as a candidate for such vacancies. A study of the rules, that were passed during the last Session of the Constituent Assembly, disclosed that the relevant provision is given in rule 6, sub-rule (5), and I would read it out for the consideration of Honourable Members. Sub-rule (5) of rule 6 says :

"A person shall not be eligible for being nominated for election as Member of the Assembly unless he is a national of Pakistan or has acquired the Pakistan domicile."

Now the two conditions that have been given therein are that a person is eligible only if he is a national of Pakistan or in the alternative if he is not, strictly speaking, a national of Pakistan, he has acquired domicile of this country. As you know, Sir, so far as the terms 'national' and 'domicile' are concerned, they have got technical significance and technical implication and meaning. Nowhere in the Constitution of Pakistan, the word 'national' has been defined. Nowhere in these rules the word 'domicile' has been defined and, therefore, there is a clear lacunae in these rules which ought to be filled in and the situation clarified in connection with the filling up of the vacancies. Two alternatives that are open to the House are, firstly, that we should make an attempt to define these two terms 'national' and 'domicile' in accordance with our notions and conceptions, or the other alternative is that for the time being we should not define them, but lay down certain conditions which may make eligible a person to stand as a candidate for election to the Constituent Assembly. When this question was brought to my notice and to the notice of certain other friends, it was decided that it would not be proper at this juncture to define these terms. You know, Sir, that the question as to who is to be the national of a certain State and who should not be deemed as a national, is a very important and fundamental one and is very intimately and closely connected with the constitution of the country. The Constitution of Pakistan, the real Constitution of Pakistan, is yet to be framed. At present, we are working under a certain temporary constitution and, therefore, I thought that it would not be desirable to make an attempt to define these two terms 'national' and 'domicile' at this juncture.

Besides, Sir, in considering the fluctuating state of population and the fluid state of circumstances in which we are, it is not desirable at all to define the word 'national'. It would be better to make an attempt to do so when the situation calms down and we know that the situation has settled down. We have to consider it necessarily in connection with the framing of our permanent constitution. Therefore, these two fundamental considerations—firstly—the terms being very important and intimately connected with the constitution and, secondly, that the situation is not yet settled and is in a fluid and fluctuating position—make it undesirable at present to define these two terms. Another alternative was thought of and I have incorporated it in this amendment with a view to clarify the position and define who are the people that are eligible to stand for the Constituent Assembly of Pakistan and who should not be qualified. I have included herein, firstly, those who

[The Honourable Sardar Abdur Rab Nishtar.]

are permanent residents of Pakistan—of course they must be qualified and there cannot be two opinions on this question. Those who are permanent residents of a particular State, they must be, as a matter of right, qualified to stand as candidate for the Constituent Assembly of that State; but the other question is about those who are not permanent residents. We find, Sir, that there are many people who are in the course of becoming permanent residents of Pakistan. They are, strictly speaking, permanent residents but are in the process of becoming permanent residents of Pakistan and I thought that a limit may be put for eligibility of such person. But what should be the limit, three months', six months' or one year's residence. Anything which has to be done is to be arbitrary. I thought it would be fair that if a person who after the 15th of August, when Pakistan came into being, has been for six months, at any rate, here, then there will be good ground to presume that he tends to throw his fate with Pakistan and therefore I felt that even if such a person is not a permanent resident of Pakistan, there are grounds to justify the presumption that the gentleman is prepared to throw his lot with Pakistan. In such a case he should be given the right to stand as a member in connection with the election and that is why Clause (b) was inserted.

Now, in connection with this another difficulty arose. If we laid down one standard and one criterion for those who have yet to enter in connection with the vacancies into Constituent Assembly portals and another criterion for those who are already in the House, it will be a very illogical position and very inconsistent position. Therefore as a necessary corollary of the first, the other question came up as to who has got the right to continue as a Member. For instance, there may be a member who when he was elected, was naturally presumed to be one who will stand by Pakistan and throw his lot for Pakistan, but after 15th of August and after his election to the Constituent Assembly, something happened that persuaded him to throw his lot with somebody else or with some other State. Then in the circumstances, it would not be desirable in the interest of Pakistan and it would not be fair either to the State or to the Member concerned, that he should continue to remain as Member of the Constituent Assembly.

As I said, Sir, the situation is fluctuating, people are coming to and fro, backward and forward, and therefore this situation may have arisen that a person who at the time when he was elected was quite fit, desirable and suitable for Pakistan, ultimately decides that his future does not lie here but somewhere else, and if it is so and the circumstances are such that does not make him stand by Pakistan but rather stand by somebody else, then in that case, it would not be fair to him or to the House that he should continue to remain as a Member of this House. Therefore, it is obvious that the standard with which we have to judge the qualifications of the person who has to come in, will have to be applied to the Members who are already in the House. Therefore I have proposed in this amendment that not only should these conditions be laid down in connection with those who are to be elected in future but that they should also be applied to those who are now Members of the Constituent Assembly. Therefore the rule has been proposed in such a way that it will not only apply to those who are to be elected but also to those who have to continue to remain Members of this House. In connection with this I could not find any such formula which if strictly applied may not create complications and difficulty. Therefore it was considered desirable

that before declaring vacant the seat of a certain Honourable Member he should be given an opportunity to show cause and that is why I have proposed in Clause (ii) that "before declaring the seat of a Member vacant on the ground of his being ineligible under this sub-rule, the President shall call upon the Member concerned to show cause within a fixed period as to why his seat should not be declared vacant". This is to enable the Member concerned to justify his existence and continuance in the Constituent Assembly. If he shows sufficient cause then in that case of course the President may not take any action and may not declare his seat vacant.

The third provision that I have proposed is that the decision of the President in this respect shall be final and shall not be challenged in any court of law or before any authority. Of course, this is clear that if the decision of the President of a sovereign authority is going to be challenged in any court of law or before any authority it will be ridiculous, and it is in the nature of things essential that with a view to avoid ridiculous positions as well as unnecessary litigation, such a provision should be put in there. When I proposed this amendment I could discuss it only with a couple of my friends who were available and I had not the advantage of discussing the matter with many other friends. Since then I got the opportunity of discussing the implications and the desirability or otherwise of this proposal with certain other friends and some suggested certain amendments. Notices of certain amendments have already been given. I think there is one amendment which I personally feel, if accepted, will improve the position proposed by me in this amendment. When the time comes I shall clear my position about the amendments but I want to make it clear that I have made an attempt to fill the lacunae that was there and any amendment which is reasonable will be acceptable to me. It does not mean that if it is acceptable to me, it would necessarily be acceptable to the House. It ought to be acceptable to the House in the first instance if it is going to be passed at all and has to become effective. With these words, Sir, I move this motion.

Mr. Chairman : Motion moved :

"That for sub-rule (5) of rule 6 of the Constituent Assembly Rules, the following be substituted, namely:—

- (i) No person shall be eligible for election to, or continue to remain a Member of, the Constituent Assembly of Pakistan unless—
 - (a) he has been a permanent resident of Pakistan, or
 - (b) he has been ordinarily residing in Pakistan for not less than 6 months since August, 15, 1947.
- (ii) Before declaring the seat of a Member vacant on the ground of his being ineligible under this sub-rule, the President shall call upon the Member concerned to show cause within a fixed period as to why his seat should not be declared vacant.
- (iii) The decision of the President in this respect shall be final and shall not be challenged in any Court of Law or before any authority."

Now I shall take up amendments.

Mr. Harendra Kumar Sur (East Bengal : General) : Sir, I beg to move :

"That for part (a) of clause (i) of the proposed sub-rule (5) of rule 6, the following be substituted:—

"he has got his permanent residence within the territories included in Pakistan and since August 15, 1947, he has not shifted his residence to any other place outside Pakistan."

Mr. Chairman: Amendment moved :

"That for part (a) of clause (i) of the proposed sub-rule (5) of rule 6, the following be substituted:—

'he has got his permanent residence within the territories included in Pakistan and since August 15, 1947, he has not shifted his residence to any other place outside Pakistan.'

Mr. Dharendra Nath Datta (East Bengal : General) : Sir, I move :

"That in part (b) of clause (i) of the proposed sub-rule (5) of rule 6, after the words "residing" the words "in a house" be inserted."

I further move :

"That after clause (i) of proposed sub-rule (5) of rule 6, the following be added:—

'For the purpose of this rule proof that a person owns a family dwelling house or a share in a family dwelling house in Pakistan and that that house has not during the twelve months preceding the date on which the member has been called upon to show cause been let on rent either in whole or in part shall be sufficient evidence that that person is resident in Pakistan.'

I further move :

"That to part (b) of clause (i) of the proposed sub-rule (5) of rule (6), the following *Explanations* be added:—

'*Explanation* (1).—A person is deemed to reside in a house if he sometimes uses it as a sleeping place, and a person is not deemed to cease to reside in a house merely because he is absent from it or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

'*Explanation* (2).—A person shall be deemed to be a resident in Pakistan if he ordinarily lives in that area or maintains a dwelling house therein ready for occupation in which he occasionally dwells.'

Mr. Chairman: Amendments moved :

"That in part (b) of clause (i) of the proposed sub-rule (5) of rule 6, after the words "residing" the words "in a house" be inserted":

"That after clause (i) of the proposed sub-rule (5) of rule 6, the following be added:—

'For the purpose of this rule proof that a person owns a family dwelling house or a share in a family dwelling house in Pakistan and that that house has not during the twelve months preceding the date on which the member has been called upon to show cause been let on rent either in whole or in part shall be sufficient evidence that that person is resident in Pakistan.'

"That to part (b) of clause (i) of the proposed sub-rule (5) of rule 6, the following *Explanations* be added:—

'*Explanation* (1).—A person is deemed to reside in a house if he sometimes uses it as a sleeping place, and a person is not deemed to cease to reside in a house merely because he is absent from it or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

'*Explanation* (2).—A person shall be deemed to be a resident in Pakistan if he ordinarily lives in that area or maintains a dwelling house therein ready for occupation in which he occasionally dwells.'

Mr. Chairman: Khan Sardar Bahadur Khan.

Khan Sardar Bahadur Khan (N.-W. F. P. : Muslim) : Sir, I do not want to move my amendment.

Mr. Chairman: Amendment not moved.

Mr. Harendra Kumar Sur: I beg to move :—

"That for clause (iii) of the proposed sub-rule (5) of rule 6, the following be substituted:—

'the propriety, legality and correctness of the decision of the President in this respect shall only be liable to be challenged in the Federal Court of Pakistan for a final adjudication in the matter',"

Mr. Chairman: The next amendment stands in the name of the Honourable Mr. Abdus Sattar Pirzada. Is there any objection to that?

Mr. Dharendra Nath Datta: I rise on a point of order, Sir, because this amendment has been placed on the Table today and it was received at 10 A.M., on the 15th of May, 1948, that is, only this morning.

Mr. Chairman, if you refer to Rule 31 of the Constituent Assembly of Pakistan Rules, you will find that according to sub-rule (3) (a)—of course exceptions are permitted by the Chairman—"Notice of any amendment to a motion must be given at least one clear day before the motion is to be moved in the Assembly". Sir, the notice of the amendment that is sought to be moved today was given only today. It was not given at least one clear day before the motion was moved. The whole question is, Sir, whether you will be pleased to give permission for the amendment to be moved. Sir, if you will look to the amendment that is sought to be moved by Mr. Abdus Sattar Pirzada, you will find that it encroaches upon the rights—valuable rights—of the citizens

Mr. Abdulla-al Mahmood (East Bengal : Muslim): Is the Honourable Member speaking on a point of order, or is he making a speech?

Mr. Dharendra Nath Datta: I hope, Sir, that permission will not be given at this stage.

The Honourable Pirzada Abdus Sattar Abdur Rahman (Minister for Food, Agriculture and Health): Sir, as a matter of fact I had sent the notice of this amendment day before yesterday and the Secretary seems to have received it yesterday, and yesterday being a holiday I should not be penalised for not sending it yesterday. Further, Sir, I would request that even if there be any objection on technical grounds it should be waived because there is not much in my amendment. What I have proposed is to solve certain difficulties that occur in the proposal of the Honourable Sardar Abdur Rab Khan Nishtar and those are in very few respects mostly of a verbal nature and intended to make things clear. The principle is the same. If you will examine the proposal of the Honourable Sardar Abdur Rab Khan Nishtar and my amendment you will find, Sir, that the real difference is that I have first of all brought (a) and (b) of clause (i) of Sardar Abdul Rab Khan Nishtar's motion into one part and made a few verbal changes in it in order to make it more definite and as I had intended that the allegiance must be to the State of Pakistan and to no other State; that is the only addition that I have made.

So far as the procedural part is concerned, that is part (ii) of Sardar Abdur Rab Khan Nishtar's motion, I have split it up into two parts—(b) and (c)—and made the procedure very clear.

So far as part (iii) of Sardar Abdur Rab Khan Nishtar's motion is concerned I have left it as it is in part (d) of my amendment.

It will thus be observed, Sir, that there is not much difference in the amendment I have proposed and the original motion, and, since I gave a notice of my amendment day before yesterday—and yesterday was a holiday—I should not be penalised and even if there is any objection it should be waived.

Prof. Raj Kumar Chakraverty (East Bengal : General): I want to make one submission on the point of order, Sir. It is not the point when the Honourable Member sent his notice of the amendment; the fact is that we

[Prof. Raj. Kumar Chakraverty.]

got the notice of his amendment when we came to this House this morning. Therefore, the question of his having given a proper notice of his amendment does not arise. I submit, Sir, that a very important point regarding the privilege of an elected Member of this House is involved in this as it relates to the driving out of an elected Member of this House on certain grounds. Therefore, this amendment should not be taken up today without giving the House an opportunity for giving due consideration to it. All I can say at this stage is that the amendment of the Honourable Mr. Abdur Rab Khan Nishtar is bad and the new amendment of the Honourable Mr. Abdus Sattar Pirzada is worse.

The Honourable Pirzada Abdus Sattar Abdur Rahman: It is not worse.

Mr. H. S. Suhrawardy (East Bengal: Muslim): May I take the liberty of pointing out that it is not a question of penalizing the Honourable Mr. Abdus Sattar Pirzada. If this amendment is accepted today on the floor of the House without an adequate notice to the Members, it will be tantamount to penalizing the Members of this House in not enabling them to think over this amendment and place before this House those cogent constitutional points which should necessarily be placed before this House.

Mr. Chairman: I think it is not at all a question of penalizing the Honourable Member who has given notice of this amendment. The difficulty is that

The Honourable Mr. Liaquat Ali Khan (Minister for Defence): May I intervene for a moment? I do not think it is the intention of the Honourable Mr. Abdus Sattar Pirzada that the Members should not have sufficient time to consider his amendment. Therefore, with your permission, I would like to move that the consideration of this motion be postponed till the next sitting of the Constituent Assembly.

Mr. Chairman: That is, the main motion of the Honourable Sardar Abdur Rab Khan Nishtar?

Honourable Members: Yes.

Mr. Chairman: Then I have to put this motion for adjournment. The motion is that the consideration of the whole question may be postponed till the next sitting of the Constituent Assembly.

The Honourable Khwaja Shahabuddin (Minister for Interior): May I suggest that you allow the Honourable Mr. Abdus Sattar Pirzada to move his amendment and then the motion of the Honourable the Leader of the House be taken to adjourn consideration till the next sitting of the House? I think that will be more convenient to the Members also.

Mr. Chairman: There may be some difficulty in that case; some Members might like to move amendments to the amendment proposed by the Honourable Mr. Abdus Sattar Pirzada. If the amendment is moved today I think there will be no further opportunity to move amendments to the amendment.

The Honourable Sardar Abdur Rab Nishtar: There is no bar.

Mr. Chairman : If there is no bar to moving further amendments and if there is general agreement on the proposition of the Honourable Mr. Shahabuddin, then that course may be followed. Let me be satisfied.

12 Noon Is there any objection to the proposal that the amendment may be permitted to be moved today. The House then will be in possession of it. Meanwhile if any other Member intends to move any amendment to that he may do so.

Mr. Dharendra Nath Datta : This cannot be done. If permission is given to move this amendment no amendment can be moved afterwards.

Mr. Chairman : I also had some doubt on that point.

The Honourable Pirzada Abdus Sattar Abdur Rahman : I do not insist on moving it. If Honourable Members have no objection let it be moved. If the Members have objection I am prepared to hold it over and move it at the next sitting of the Assembly.

Alhaji Mohammed Hashim Gazdar (Sind : Muslim) : When an amendment is moved, Honourable Members are entitled to notify their amendments to that amendment.

Mr. Chairman : However as there is objection to that procedure from certain quarters and as the Honourable Pirzada is not particular about moving his amendment today, I think, the best course would be not to move it. I am, therefore, putting the motion for adjournment that has been moved. Is there any objection to that motion?

Mr. H. S. Suhrawardy : I would like to felicitate the Honourable the Leader of the House and I want to

Mr. Chairman : Do you want to speak?

Mr. H. S. Suhrawardy : I want to support the motion.

Mr. Chairman : You cannot support it just now. I am putting the motion to vote.

The question is :

"That the consideration of the motion moved by the Honourable Pirzada Abdus Sattar Abdur Rahman be postponed."

The motion was adopted.

The Honourable Sardar AbdurRab Nishtar : Sir, I beg to move :

"That for rule 62 of the Constituent Assembly Rules, the following be substituted, namely:—

'Assent to Bill.—When a Bill has been passed by the Assembly, it shall be presented to the President for his assent'."

So far as rule 62 is concerned you will be pleased to find that at present it provides that a copy of the Bill when passed by the Assembly shall be signed by the President. It appears that the framers of this rule, when they included it in the draft, borrowed it from the procedure of the Central Legislature as it existed in the pre-partition India. Mostly the rules have been framed

[The Honourable Sardar Abdur Rab Khan Nishtar.]

on the basis of those rules with necessary modifications here and there. Now this clause existed there, and there was some justification for it in that set up. But in the present set up when it is to be applied to the conditions of the Constituent Assembly it needs modification. There the Bill had to be submitted for assent to the Governor-General and before it was to be presented to the Governor-General for assent it was to be authenticated by the President that this is the Bill which has been passed by the Legislature. It implied that assent will be given by some other authority to which it will be presented after it has been authenticated by the President. Here the position is quite different. We do not want that so far as our laws are concerned they should go to some outside authority for assent and therefore I personally think that it is essential that the word "signed" should be changed into "assent" and necessary modification made in the rule. That is why I have proposed, Sir, that when a Bill has been passed by the Assembly it shall be presented to the President for his assent and not mere signature.

Mr. Chairman: Motion moved :

"That for rule 62 of the Constituent Assembly Rules, the following be substituted, namely:—

'Assent to Bills.—When a Bill has been passed by the Assembly, it shall be presented to the President for his assent'."

Khan Sardar Bahadur Khan: Sir, I beg to move that the motion moved by the Honourable Sardar Abdur Rab Khan Nishtar be adjourned till the next meeting because I presume that most of the Members want to study the implication of the measure in full detail and they should be given an opportunity to do so.

Mr. Chairman: Motion moved :

"That the consideration of the matter be postponed till the next working day of the Assembly."

The motion was adopted.

Khan Sardar Bahadur Khan: Sir, I beg to move :

"That after rule 71 of the Constituent Assembly Rules, the following new rule be inserted as rule 71A:—

'71A. Membership of Committees.—(1) A person who is not a Member of the Assembly may be appointed on any of its Committees.

(2) If any Member of the Assembly is a Member of a Committee and ceases to be a Member of the Assembly, he will also cease to be a member of the Committee'."

Sir, in asking for the insertion of this new rule my object is two-fold. One is covered by sub-rule (1) of the proposed rule 71A. Sir, this is a provision which is already provided for in the Constituent Assembly Rules. I have got only to refer this House to sub-rule (2) of rule 72 of the Constituent Assembly Rules. It is only a question of lifting it from that place and putting it at its proper place. As regards (2), Sir, there are concrete instances which can be cited in this very House that a Member of the Constituent Assembly, as such has been elected to or nominated to a committee and has subsequently resigned his membership of the Constituent Assembly, but has not tendered his resignation of that committee. In order to meet this contingency I am seeking the permission of the House to insert this sub-rule. It is perfectly simple and plain. I hope the House will endorse it.

Mr. Chairman : Motion moved :

"That after rule 71 of the Constituent Assembly Rules, the following new rule be inserted as rule 71A:—

'71A. *Membership of Committees.*—(1) A person who is not a Member of the Assembly may be appointed on any of its Committees.

(2) If any Member of the Assembly is a Member of a Committee and ceases to be a Member of the Assembly, he will also cease to be a member of the Committee'."

The Honourable Mr. Abdul Hamid (East Bengal : Muslim) : Sir, my amendment to this is that

Mr. Chairman : Are you raising a point of order.

The Honourable Mr. Abdul Hamid : I want to move a verbal amendment.

Mr. Chairman : You cannot do that.

The Honourable Mr. Abdul Hamid : It does not change the substance.

Mr. Chairman : I am sorry without notice I cannot allow.

Dr. Mahmud Husain (East Bengal : Muslim) : I also want to move my amendment if there is no objection to it.

The Honourable Sardar Abdur Rab Nishtar : It is just a formal amendment.

Dr. Mahmud Husain : I move :

"That for clause (2) of the proposed rule 71A, the following be substituted:—

'(2) If a Member of a Committee of the Constituent Assembly who was elected or appointed to the Committee while he was a Member of the Assembly ceases to be a Member of the Assembly, he shall also cease to be a member of the Committee'."

Mr. Chairman : Motion moved :

"That for clause (2) of the proposed rule 71A, the following be substituted:—

'(2) If a Member of a Committee of the Constituent Assembly who was elected or appointed to the Committee while he was a Member of the Assembly ceases to be a Member of the Assembly, he shall also cease to be a member of the Committee'."

Khan Sardar Bahadur Khan : I accept the amendment.

Mr. Chairman : The question is :

"That for clause (2) of the proposed rule 71A, the following be substituted:—

'(2) If a member of a Committee of the Constituent Assembly who was elected or appointed to the Committee while he was a Member of the Assembly ceases to be a Member of the Assembly he shall also cease to be a member of the Committee'."

The motion was adopted.

Mr. Chairman : Then I put the main motion as amended : The question is :

"That after rule 71 of the Constituent Assembly Rules, the following new rule be inserted as rule 71A:—

'71A. *Membership of Committees.*—(1) A person who is not a Member of the Assembly may be appointed on any of its Committees.

(2) If a member of a Committee of the Constituent Assembly who was elected or appointed to the Committee while he was a Member of the Assembly ceases to be a Member of the Assembly he shall also cease to be a member of the Committee'."

The motion was adopted.

Khan Sardar Bahadur Khan : Sir, I beg to move :

"That sub-rule (2) of rule 72 of the Constituent Assembly Rules be deleted and sub-rule (3) be renumbered as sub-rule (2)."

[Khan Sardar Bahadur Khan.]

Sir, this is a consequential amendment necessitated on account of the insertion of Rule 71A above.

Mr. Chairman: The question is :

“That sub-rule (2) of rule 72 of the Constituent Assembly Rules be deleted and sub-rule (3) be renumbered as sub-rule (2).”

The motion was adopted.

GOVERNMENT OF INDIA (SECOND AMENDMENT) BILL

The Honourable Mr. Ghazanfar Ali Khan (West Punjab : Muslim) :

Sir, I rise to introduce the Bill further to amend the Government of India, Act, 1935.

Mr. Chairman: Mr. Ghazanfar Ali Khan to move his next motion that the Bill further to amend the Government of India Act, 1935, be taken into consideration.

The Honourable Mr. Ghazanfar Ali Khan: Sir, I do not want to move it just today.

Mr. Chairman: The House stands adjourned till 5 P.M., on Tuesday, the 18th May, 1948:

The Assembly then adjourned till Five of the Clock on Tuesday, the 18th May, 1948.